



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON**  
**ATTORNEY GENERAL**

December 21, 1962

Mrs. Bess Blackwell  
Executive Secretary  
State Board of Hairdressers  
and Cosmetologists  
Austin, Texas

Opinion No. WW-1513

Re: Whether the students in a  
cosmetology department in  
a Vocational High School  
are eligible to work on the  
public for a fee or other  
compensation.

Dear Mrs. Blackwell:

You have requested an opinion from this office upon the question of whether, pursuant to Article 734b, Vernon's Penal Code, students in the Cosmetology Department of a Vocational High School are eligible to work on the public for a fee or compensation.

It is our understanding that many of the Public Vocational Schools have Cosmetology Departments, have complied with the provisions of Section 5 of Article 734b, and are therefore eligible to operate as a school of beauty culture. It is our further understanding that the graduates of these Cosmetology Departments of Public Vocational Schools are eligible for licensure by the State Board of Hairdressers and Cosmetologists if such graduates meet the requirements of licensure as set forth by Section 4 of Article 734b.

Section 5 of Article 734b pertains to the prerequisites of operating a school of beauty culture, and, in addition, sets forth certain conditions and requirements which must be met and adhered to by anyone desiring to conduct a school of beauty culture. Section 5(e) of Article 734b provides that:

"No school shall be permitted to charge for work done by any student who has not completed fifty per cent (50%) of the required number of hours, as provided for in Section 5, Subsection (b); and no school shall be permitted to charge for work done by licensed instructors."

Section 5(a) of Article 734b provides in part that:

". . . Provided, however, that the requirements as to floor space, type of building, bond

Mrs. Bess Blackwell, page 2 (WW-1513)

requirement and number of licensed instructors shall not apply to Public Vocational Schools."

The above quoted provision found in Section 5(a) of Article 734b indicates that the Cosmetology Departments of Public Vocational Schools are exempted from certain requirements as to floor space, type of building, bond requirement, and number of licensed instructors; however, this is the only exemption afforded the Cosmetology Departments of Public Vocational Schools.

Section 5(e) of Article 734b allows schools of beauty culture to charge for work done by students when such students have completed fifty per cent (50%) of the required number of instructional hours set forth in Section 5(b) of Article 734b.

The above quoted provisions of Section 5(a) of Article 734b do not exempt Public Vocational Schools from the restrictions set forth in Section 5(e) of Article 734b, nor does Section 5(e) of Article 734b prohibit Public Vocational Schools from permitting a charge to be made for work done by students who have completed the required percentage of instruction.

We are therefore of the opinion that there is no prohibition against the students in a Cosmetology Department of a Public Vocational School engaging in hair dressing, cosmetology, and manicuring upon the public, and there being a fee or compensation charged for such work by the school as long as the provisions of Section 5(e) of Article 734b are complied with.

#### SUMMARY

There is no prohibition against the students in a Cosmetology Department in a Public Vocational School engaging in hair dressing, cosmetology, and manicuring upon the public, and a fee or compensation being charged for such work by the school as long as the provisions of Section 5(e) of Article 734b are complied with.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By

  
Pat Bailey  
Assistant

PB:wb

Mrs. Bess Blackwell, page 3 (WW-1513)

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman  
Sam Wilson  
Grady Chandler  
Pat Bailey  
Vernon Teofan

REVIEWED FOR THE ATTORNEY GENERAL

BY: Leonard Passmore